

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 237A.12, the Department of Human Services hereby amends Chapter 109, “Child Care Centers,” Iowa Administrative Code.

This amendment revises the definition of “child care” found in rule 441—109.1(237A) to provide allowable exemptions in accordance with 2017 Iowa Acts, House File 534. House File 534 modifies Iowa Code section 237A.1(3) to allow programs serving children who are at least three years of age and eligible for special education under Iowa Code chapter 256B to be exempt from child care facility licensing requirements.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 3438C** on November 8, 2017. The Department received no comments during the public comment period. This amendment is identical to the amendment published under Notice of Intended Action.

The Council on Human Services adopted this amendment on December 13, 2017.

This amendment does not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 237A.1(3).

This amendment will become effective March 1, 2018.

The following amendment is adopted.

Amend rule **441—109.1(237A)**, definition of “Child care,” as follows:

“*Child care*” means the care, supervision, or guidance of a child by a person other than the child’s parent, guardian, or custodian for periods of less than 24 hours per day per child on a regular basis in a place other than the child’s home, but does not include care, supervision, or guidance of a child by any of the following:

1. An instructional program for children who are attending prekindergarten as defined by the state board of education under Iowa Code section 256.11 or a higher grade level and are at least four years of age, or at least three years of age and eligible for special education under Iowa Code chapter 256B, and administered by a public or nonpublic school system accredited by the department of education or the state board of regents or a nonpublic school system which is not accredited by the department of education or the state board of regents.

2. to 13. No change.

[Filed 12/13/17, effective 3/1/18]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 1/3/18.